

The New Mining Law of Montana Territory.

Be it enacted by the Legislative Assembly of the Territory of Montana :

SECTION 1. That any person or persons who may hereafter discover any quartz lead, lode, or ledge, shall be entitled to one claim by right of discovery, and one claim each, by pre-emption.

SEC. 2. That in order to entitle any person or persons to record in the County Recorder's Office of the proper County, any lead, lode or ledge, either of Gold or Silver, or claim thereon, there shall first be discovered on said lode, lead, or ledge, a vein or crevice of quartz ore with at least one well-defined wall.

SEC. 3. Claims on any lead, lode, or ledge, either of Gold or Silver, hereafter discovered, shall consist of not more than two hundred feet along the lode, lead, or ledge, together with all dips, spurs, and angles, emanating or diverging from said lead, lode, or ledge, as also fifty feet on each side of the centre of said lead, lode, or ledge, for working purposes: *Provided*, That when two or more leads, lodes, or ledges, shall be discovered within one hundred feet of each other, either running parallel or crossing each other, the ground between such leads, lodes, or ledges, shall belong equally to the claimants of the said leads, lodes, or ledges, without regard to priority of discovery or pre-emption.

SEC. 4. When any leads, lodes, or ledges, shall cross each other, the quartz ore or mineral in the crevice or vein at the place of crossing, shall belong to, and be the property of the claimant upon the lead, lode, or ledge first discovered.

SEC. 5. That before any record shall be made under the provisions of this Act, there shall be placed at each extremity of the discovery claim, a good and substantial stake, not less than five inches in diameter, said stake to be firmly planted or sunk into the ground, extending two feet above ground; that upon each stake there shall be placed in legible characters, the name of the lead, lode, or ledge, and that of the discoverer or discoverers, the date of discovery, and the name of each pre-emptor or claimant, and the directions or bearings, as near as may be, of his or her claims. Said stakes, and the inscriptions thereon, to be replaced at least once in twelve months by the claimants on said lode, lead, or ledge, if torn down or otherwise destroyed.

SEC. 6. Notice of the discovery or pre-emption upon any lead, lode, or ledge, shall be filed for record in the County Recorder's Office of the County in which the same may be situated, within fifteen days of the date of the discovery or pre-emption, and

there shall, at the same time, be an oath taken before the Recorder, that the claimant or claimants are, each and all of them, *bona fide* residents of the Territory of Montana, and there shall be deposited in the Recorder's Office, either by the discoverer or some pre-emptor, a specimen of the quartz ore or mineral extracted or taken from said lead, lode, or ledge, which said specimen shall be properly labelled by the Recorder and preserved in his Office.

SEC. 7. That any person or persons who shall take up or destroy, or cause the same to be done, any of the said stakes, or who shall, in any wise, purposely deface or obliterate any part or portion of the writing or inscriptions placed thereon, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail not more than 90 days, or by both such fine and imprisonment.

SEC. 8. That the amount of ground which may be taken up on any lead, lode, or ledge, in addition to the discovery claim, shall be limited 1,000 feet along said lead, lode, or ledge, in each direction from the discovery claim thereon.

SEC. 9. All lead, lode, or ledge claims taken up and recorded in pursuance with the provisions of this Act, shall entitle the person recording, to hold the same to the use of himself, his heirs and assigns; and conveyances of quartz claims shall hereafter require the same formalities, and shall be subject to the same rules of construction, as the transfer and conveyance of real estate.

SEC. 10. That if, at any time previous to the passage of this Act, claims have been taken up and recorded in the Recorder's Office of the proper county, upon any actual or proper lead, lode, or ledge of quartz ore or mineral, the owners or proper claimant or claimants of said respective claims shall hold the same to the use of themselves, their heirs and assigns.

SEC. 11. That the Act relating to the discovery of gold and silver quartz lodes, and the manner of their location, passed by the Idaho Legislature, and approved February 4th, 1864, and all other Acts or parts of Acts inconsistent with this Act, be, and the same are hereby repealed.

SEC. 12. This Act to take effect and be in force from and after its passage.

I certify that the above is a true copy of an Act passed by the Legislative Assembly of Montana, and approved December 26th, 1864.

SIDNEY EDGERTON, GOVERNOR.